

ORDINANCE NO. 3917

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF ECC CHAPTERS 2.25, 2.30 AND 2.35 TO INCORPORATE UPDATES TO CERTAIN CITY PERSONNEL POLICIES AND TO ADD A SECTION RELATING TO SPECIAL DUTY PAY; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City has recently updated certain provisions of its Personnel Policies; and

WHEREAS, the City has recently adopted a special duty pay policy; and

WHEREAS, the City has recently adopted a Non-represented Compensation Policy; and

WHEREAS, the City wishes to revise its municipal code to incorporate the updated Personnel Policy provisions and add the special duty pay provision, and add certain provisions of the Non-represented Compensation Policy; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. ECC Section 2.25.050, entitled "Payment of Claims, Demands and Vouchers," is hereby amended as follows (deleted language in strike-through, new language underlined):

2.25.050 Travel authorization and expense reimbursement policies.

A. Policy. It is the city's policy to provide payment for the reasonable accommodation of travel required to conduct city business by city officials and employees.

B. Applicability. This section and the policies contained herein shall be applicable to all elected officials, members of boards and commissions and city employees unless otherwise specifically exempted.

C. Authorization for Travel. All requests for travel or training shall be submitted and approved on an ~~authorization to attend/travel~~ Authorization to Travel and Attend Training form prior to the person's departure date.

1. All anticipated costs should be listed on the form, whether the costs are known or reasonably estimated.

2. The mayor is authorized to approve all employee's requests which are included within the city's annual budget.

D. Travel and Training Request – City Council Approval. City Council President approval must be obtained of all travel and training requests for members of the city council and members of city boards and commissions.

E. Accommodations. Accommodations, such as transportation, lodging and conference registration shall normally be arranged in advance by designated staff member and billed directly to the city. Accommodations shall be made at the lowest reasonable rate available, such as coach fare for air transportation, use of special discounts and single occupancy government rates for lodging. Air travel should be used when other reasonable methods of transport are not otherwise available and time schedules require the additional expense.

F. Advance Payment of Expenses. Pursuant to ECC 3.04.040, advance payment of authorized expenses in excess of \$100.00, as listed on the authorization to attend/travel form, will be provided upon request. Request for an advance payment must be made at least one week prior to the departure date.

G. Reimbursement of Travel Expenses.

1. Travel expenses by city officials and employees shall be paid by the city in accordance with the rate schedule listed below. Expense vouchers must be submitted for payment within 10 days following the individual's return. Expense receipts and/or credit card receipts must be submitted for city payment. If a receipt has been lost or stolen, the employee should submit a written statement to the ~~administrative services~~ finance director explaining the circumstances of the missing receipt. Reimbursements based on this process may be issued. Reimbursement for any expenses which exceed the limits set forth in this policy shall require approval of the city council.

Transportation:

Air travel – Coach rate

Private car – Current IRS rate

Rental car – Requires prior approval

Lodging:

Regular lodging – Government/commercial rate

Conferences – Conference facility rate

Meals:

~~Actual reasonable cost of meals, subject to review by department head and/or mayor~~ Per diem rate in conformance with the State of Washington Office of Financial Management guidelines in effect at the time of travel.

Communications:

Telephone – One personal call per day kept to a reasonable amount

2. The transportation allowance shall be based upon the direct route round trip costs. Other allowable costs shall include ferry tolls and off-street parking. Taxis may be used if they are the most reasonable means of transportation available.

H. Nonallowable Expenses. Expenses not approved for reimbursement include, but are not limited to, alcoholic beverages, expenses for family or guests, entertainment, travel costs paid by another organization, mileage (if traveling as a passenger in a nonowned car), limousine services and personal travel insurance. Only the normal, reasonable and actual expenses will be reimbursed. Public officials and employees utilize public funds for their expenses and are admonished and requested to limit expenditures to those reasonably necessary to provide safe, clean and convenient lodging and healthy meals in settings appropriate to the public mission with which they have been entrusted.

I. Use of Private Cars. Private cars should be used by city officials and employees whenever a city vehicle is not available and/or the time the official or employee will be absent exceeds two or more days. Drivers must have a valid operator's license, and the car must be insured to the state's minimum liability standards. The mayor, members of the city council, boards and commissions shall not be reimbursed for mileage expenses incurred within the city limits of Edmonds. City

employees will be reimbursed for mileage when using a private vehicle within the city limits when such use is in furtherance of city business. The city's mileage reimbursement rate is intended to cover the cost of fuel, maintenance and insurance costs. Persons using a private vehicle and seeking reimbursement for mileage must maintain a valid driver's license and individual auto insurance, including public liability, bodily injury and property damage, which insurance shall be deemed to be primary as to any other insurance available to the city. If a private vehicle is used in lieu of air transportation, the total amount of reimbursement shall not exceed the cost of air fare as established in subsection H of this section.

Section 2. ECC Section 2.30.010 entitled, "Municipal Employee Benefit Plan," is hereby amended as follows (deleted language in strike-through, new language underlined):

2.30.010 Employee benefit plan authorized.

There is established for qualified city employees a benefit plan to be provided by the city in lieu of coverage under the Federal Old Age Survivors Disability and Health Insurance Act. The benefit plan shall be as set forth in that certain document entitled, "City of Edmonds Municipal Employees Benefit Trust Plan," ~~prepared by Howard Johnson and Company~~, three copies of which are and have been on file in the office of the city clerk for use and examination by the public. [Ord. 1922 § 2, 1977; Ord. 615 § 1, 1951].

Section 3. ECC Sections 2.35.030, entitled "Vacations," 2.35.040, entitled "Compensating time," 2.35.045, entitled "Shared leave," and 2.35.060, entitled "Sick leave," are hereby amended (deleted language in strike-through, new language underlined) as follows:

2.35.030 Vacations.

A. Regular employees shall accrue the following amount of vacation leave with pay based on the length of continuous service, as that term is defined in the personnel policies:

1. Nonexempt, represented employees shall receive vacation leave in accordance with the applicable collective bargaining agreement;

2. Nonexempt and exempt nonrepresented employees below the level of supervisor shall accrue annual vacation in accordance with the following schedule:

Years of Employment	Days of Vacation
After the first 6 months of continuous employment	6 days of credit
Second 6 months of continuous employment	5 days additional
2 years through 5 years	11 days per year
6 years through 11 years	16 days per year
12 years through 19 years	21 days per year
20 years and thereafter	22 days per year

3. Division managers, supervisors, and equivalent positions, consisting of those individuals designated as such in the annual salary ordinance, shall accrue annual vacation in accordance with the following schedule:

Years of Employment	Days of Vacation
After the first 6 months of continuous employment	8 days of credit
Second 6	8 days

months of continuous employment	additional
2 years through 5 years	16 days per year
6 years through 11 years	21 days per year
12 years through 19 years	22 days per year
20 years through 24 years	25 days per year
25 years and thereafter	27 days per year

4. The police chief, ~~fire chief~~ and those individuals designated on the annual salary ordinance as directors shall initially accrue 22 days of vacation per year. Such accrual shall be credited on a semi-monthly basis with each employee's paycheck, except as provided above. The rate of accrual shall be reflected by a credit equal to the proportionate share of vacation earned for the period.

B. Employees are encouraged to use their accumulated vacation time within the year in which it is accrued. Vacation accruals of up to ~~one~~ two year's' accumulation may be carried over from one year to the next. ~~Employees who give notice of retirement within 24 months are authorized to accumulate two years' accrual at any time prior to retirement.~~

C. ~~Vacation schedules must be submitted by each department not later than March 1st of each year.~~

DC. Any employee whose service is honorably terminated after the completion of six months of continuous service shall be paid for any vacation time accumulated prior to the effective date of termination. [Ord. 3583 § 1, 2006; Ord. 3545 § 2, 2005; Ord. 3505 § 1, 2004; Ord. 3279 § 2, 1999; Ord. 2970 § 1, 1994; Ord. 2716, 1989].

2.35.040 Compensating time.

When work beyond regular hours is required of an employee of the city (excluding those employees designated as exempt from this benefit on the annual salary schedule) compensating time off may be allowed as city requirements permit, subject to the following requirements:

A. Nonexempt employees, on their request and at the city's option, may be permitted to take compensating time off at the overtime rate of one and one-half times the actual overtime worked in lieu of payment; provided, that such employees may not accumulate more than ~~480~~ hours of compensating time and any compensating time off must be used within the 12-month period following the date on which overtime is earned.

B. All exempt employees other than those excluded by the annual salary ordinance (see subsection E of this section) shall receive compensatory time for night meetings, emergency call outs, and other similar periods for which they are required by their supervisor to work. Compensating time shall not be earned for short extensions of regular work hours less than one hour in length, such as staying late or coming in early. Compensatory time for such exempt employees shall be earned at the straight time rate, one hour of compensatory time earned for each hour worked. The measurement of such time shall be in accordance with the mayor's administrative policies. ~~Commencing January 1, 1990, s~~Such exempt employees shall be allowed to accumulate up to a maximum of ~~480~~ hours of compensatory time during any calendar year. The terms of use shall be as established by the mayor's administrative policy. If an employee earns additional compensatory time after he or she has accumulated the maximum, then the employee must either be paid for the additional time or provided time off during the next pay period.

C. Compensating time shall be taken at the convenience of the city. All compensating time must be recorded and then approved by the employee's supervisor and/or department head.

D. Upon termination no exempt employees shall be paid for unused compensatory time ~~unless time has been earned in excess of the 40-hour maximum~~. Nonexempt employees shall be paid for unused compensating time at one and one-half times the overtime worked. However, every effort should be made to use compensating time prior to termination. ~~For the remainder of the budget year 2004, the positions excluded by prior ordinance (prior section ECC 2.35.040(A)) shall not be entitled to compensating time off.~~

E. Employees designated as exempt from this compensating time provision shall receive a monthly salary as designated on the annual salary ordinance. Their presence or absence from the regular work schedule shall be reviewed in terms of the employee's overall performance in accordance with the mayor's administrative policies and the city personnel ~~policies~~rules.

F. To be more competitive in the market place, the City will provide non-represented employees who are ineligible for compensatory time with 24 hours of Management Leave annually. Management Leave will have no cash-out value and will not be carried over at the end of the calendar year. [Ord. 3505 § 2, 2004; Ord. 3279 § 3, 1999; Ord. 2732 § 1, 1989; Ord. 2542, 1985; Ord. 2508, 1985; Ord. 2482, 1985; Ord. 2340, 1983; Ord. 2204 § 1, 1981; Ord. 1939, 1977; Ord. 1168 § 4, 1966].

2.35.045 Shared leave.

A. Intent. The purpose of shared leave is to permit city employees, at no additional employee cost to the city other than the administrative cost of administering the program, to come to the aid of a fellow employee who is suffering from or has an immediate family member suffering from illness, injury, impairment, physical or mental conditions which has caused, or is likely to cause, the employee to take leave without pay or to terminate his or her employment. "Immediate family" is defined as spouse, registered domestic partner, son, daughter, mother, father, and in-laws of the same degree. The ~~personnel director~~ city may, but has no obligation, to approve recognition of other, significant relationships similar in nature to that of the immediate family, if the needs of the city permit. In addition to these purposes, the shared leave program may be used by employees who have been involuntarily called to military service.

B. A department director, with the mayor's approval, may permit an employee to receive shared leave under this section if:

1. The employee suffers, or has an immediate family member suffering from an illness, injury, impairment or physical or mental condition, which has caused, or is likely to cause, the employee to go on leave without pay or to terminate his or her employment with the city. In addition, the shared leave program may be utilized by an employee who has been involuntarily called to active duty in the Washington National Guard, or in the Army, Navy, Air Force, Coast Guard or Marine Corps of the United States. An employee seeking to utilize the shared leave program due to an involuntary call to military service need not establish compliance with subsections (B)(2) through (4) of this section.

2. The employee has depleted or will shortly deplete his or her total of accrued vacation, sick leave, compensatory time, holiday time, and/or other paid leave.

3. Prior to a request to use shared leave, the employee has abided by the sick leave policy.

4. The employee has diligently pursued and is found to be ineligible for state industrial insurance benefits or such benefits have been exhausted.

5. Use of shared leave will not significantly increase the city's costs except for those costs which would otherwise be incurred in the administration of this program and which would otherwise be incurred by the employee's department.

C. The applicable department director, with the concurrence of the mayor, shall determine the amount of shared leave, if any, which an employee may receive under this section. The employee shall be required to provide appropriate medical justification and documentation both of the necessity for the leave and the time which the employee can reasonably be expected to be absent due to the condition. Shared leave shall be limited to no more than a maximum of six continuous calendar months or six months total in any five-year period and cannot be used to extend the absence of the employee beyond the post-leave time prescribed by state statute, the applicable labor agreement, or city policy.

D. Shared leave shall be funded through voluntary transfers of accrued vacation and/or sick leave from other city employees to the employee approved for a shared leave. Both vacation and sick leave can be donated for a shared leave request, which has been approved due to an extraordinary/catastrophic type illness or injury. Catastrophic illnesses or injuries are those which are potentially career-ending or life-threatening. For this type of request, all donated vacation must be used prior to any use of donated sick leave. For illnesses and injuries, which are noncatastrophic in nature, only vacation leave can be donated and used. Sick leave donations are not allowed for this type of request. Co-workers who donate leave must retain a reasonable amount of accrued vacation and sick leave to protect them from a wage loss due to illness or injury and to enjoy a reasonable vacation period. When reviewing police employees, the police chief may consider holiday and compensatory time for purposes of approving shared leave requests and donations of leave time. Department directors shall not transfer any leave time in excess of the amount specified in the request. All donations shall be voluntary. The applicable department director shall determine that no significant increase in city costs will occur as a result of the transfer of leave.

E. Leave may be transferred from employee(s) from one department to an employee of the same department, or, with the concurrence of both department directors, to an employee of another department.

F. While an employee is on shared leave, he or she will continue to be classified as a city employee and shall receive the same treatment, in respect to salary and benefits, as the employee would otherwise receive if using vacation leave.

1. All salary benefit payments made to the employee on a shared leave shall be made by the department employing the person using the shared leave.

2. The employee's salary rate shall not change as a result of being on shared leave nor, under any circumstances, shall the total of the employee's salary and other benefits, including but not limited to state industrial insurance or any other benefit received as a result of payments by the city to an insurer, health care provider, or pension system, exceed the total of salary and benefits which the employee would have received had he or she been in a regular pay status.

G. Leave shall be transferred on a dollar-for-dollar basis. The value of the leave shall be determined at the current hourly wage of the transferor and the leave available to the receiving employee shall be calculated at the receiving employee's wage.

H. The ~~personnel~~human resources department shall be responsible for computing values of donated leave and shared leave, and shall also be responsible for adjusting the accrued leave balances to show the transferred leave. The ~~administrative services director~~human resources department shall determine the appropriate fund transfers and budget amendments as needed for city council action. Records of all leave time transferred shall be maintained in the event any unused time is returned at a later date.

I. The value of any leave transferred which remains unused shall be returned at its original value to the employee or employees who donated the leave. The ~~department director~~human resources department shall determine when shared leave is no longer needed. To the extent administratively feasible, the unused leave shall be returned on a pro rata basis.

J. The ~~personnel~~human resources department shall monitor the use of shared leave to ensure equivalent treatment for all employees of the city. Inappropriate use or treatment of the shared leave provision may result in cancellation of the donated leave or use of shared leave. [Ord. 3412 § 1, 2002; Ord. 3373 § 2, 2001; Ord. 2910 § 1, 1993; Ord. 2738 § 1, 1989].

...

2.35.060 Sick leave.

A. Represented employees accrue sick leave at the rate of and to the maximum established in the respective collective bargaining agreements. Nonrepresented employees shall accrue sick leave at the rate of one working day for each full calendar month of the employee's continuous service. The maximum amount of accrued sick leave shall not exceed 1,000 hours for such nonrepresented employees.

B. Upon honorable termination, unused sick leave shall be paid to nonrepresented employees at a rate equal to one-half of the regular rate of pay at the date of termination to a maximum of 800 hours. In the event of the death of an employee, the payment for unused sick leave shall be paid to the surviving spouse or to the estate of the decedent if there is no surviving spouse. Honorable termination means resignation or lay-off due to lack of work or funding and shall not include any discharge for cause. In the event that further or conflicting terms are established by the provisions of collective bargaining agreements, such provisions shall control such payments to represented employees in accordance with their respective collective bargaining agreement.

C. An employee eligible for sick leave with pay shall be granted such leave for:

~~1. Personal illness or physical incapacity resulting from a cause beyond the employee's control;~~

~~2. Forced quarantine of the employee;~~

~~3. Upon approval of the mayor, the death of a member of an employee's immediate family.~~

1. Employee's own health condition (illness, injury, physical or mental disability, including disability due to pregnancy or childbirth);

2. The need to care for an ill family member in accordance with the Family Care policy;

3. Medical or dental appointments for the employee or dependent child, provided that the employee must make a reasonable effort to schedule such appointments at times which have the least interference with the work day;

4. Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others;

5. Use of a prescription drug, which impairs job performance or safety;

6. Additional leave (maximum 3 days) beyond bereavement leave for a death in the immediate family to be authorized by the Department Head.

D. The certificate of a physician and/or a written report concerning the need for the sick leave may be required by the city, and if so required shall be supplied by the employee in order to qualify for sick leave with pay.

E. As an incentive to the appropriate use of sick leave, nonrepresented employees may earn additional leave hours on an inverse basis to the amount of sick leave used during the calendar year, in accordance with the following schedule:

Hours of Sick Leave Used	Annual Leave Hours Earned
0	24
8	16
16	8
24	0

Annual leave earned under this program shall be used in the calendar year in which the leave was earned. Absences compensated through the state workers' compensation illness or injury program shall not be taken into consideration when applying the eligibility standards. The leave earned shall be pro-rated to the nearest full hour on the basis of sick leave used.

F. Nonrepresented employees who have accrued in excess of 800 hours of sick leave may convert the excess hours to a cash payment at the rate of three hours of sick leave for one hour of compensation at the employee's current rate of pay, up to a maximum of \$1,000 per year. The human resources department shall notify the employee of his or her accrued sick leave hours with the last paycheck in August of each year. The sick leave payout shall be paid with the first paycheck in January. Employees must request the optional sick leave payout within 10 working days from the date notice of accrued sick leave was provided.

G. Newly hired employees who are entitled to transfer sick leave from their previous employer to the city of Edmonds pursuant to interlocal agreement, collective bargaining agreement and/or state law may transfer such sick leave banks subject to the rules set forth in this section. In addition, a transferred employee who would, under the provisions of the city's personnel policies, be required to pay back worker's compensation benefits advanced by the city and thereby restore his/her sick leave bank may exercise such rights with respect to funds received from Labor and Industries as worker's compensation within the first six months of their employment, thereby buying back sick leave which otherwise could have been transferred. [Ord. 3444 § 1, 2003; Ord. 3279 § 4, 1999; Ord. 2668 § 2, 1988; Ord. 2664 § 7, 1988; Ord. 1462, 1970; Ord. 1422, 1969; Ord. 1168 § 6, 1966].

...

Section 4. A new section ECC 2.35.075, entitled "Special duty pay," is hereby added to read in its entirety as follows:

2.35.075 Special Duty Pay.

A. The mayor is authorized to pay any manager or director level employee special duty pay in addition to that person's regular compensation when the mayor has temporarily assigned special duties to that person. No employee may receive special duty pay for longer than one year without city council approval. "Special duties" are defined as those duties not included as "Primary Duties and Responsibilities" in the employee's official job description and not otherwise associated with the employee's position.

B. Special duty pay shall consist of up to ten percent of the employee's salary at the time the special duties are assigned. The mayor is authorized to grant to each such employee up to five percent (5%) for special duty pay at the mayor's discretion, and shall be based upon the scope of the additional responsibilities identified by the mayor. If the mayor determines that special duty pay above five percent (5%) is warranted for a particular employee, the mayor will be authorized to grant up to ten percent (10%) for special duty pay upon prior approval by the City Council.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:


MAYOR DAVID O. EARLING

ATTEST/AUTHENTICATED:


CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
JEFFREY B. TARADAY

FILED WITH THE CITY CLERK:	03-22-2013
PASSED BY THE CITY COUNCIL:	03-26-2013
PUBLISHED:	03-31-2013
EFFECTIVE DATE:	04-05-2013
ORDINANCE NO. <u>3917</u>	

SUMMARY OF ORDINANCE NO. 3917

of the City of Edmonds, Washington

On the 26th day of March, 2013, the City Council of the City of Edmonds, passed Ordinance No. 3917. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF ECC CHAPTERS 2.25, 2.30 AND 2.35 TO INCORPORATE UPDATES TO CERTAIN CITY PERSONNEL POLICIES AND TO ADD A SECTION RELATING TO SPECIAL DUTY PAY; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 27th day of March, 2013.


CITY CLERK, SANDRA S. CHASE

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

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S.S.

SUMMARY OF ORDINANCE NO. 3917
of the City of Edmonds, Washington
On the 26th day of March, 2013, the City Council of the City of Edmonds passed Ordinance No. 3917. A summary of the content of said ordinance, consisting of the title, provides as follows:
AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF ECC CHAPTER 2.25, 2.30 AND 2.35 TO INCORPORATE UPDATES TO CERTAIN CITY PERSONNEL POLICIES AND TO ADD A SECTION RELATING TO SPECIAL DUTY PAY; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.
The full text of this Ordinance will be mailed upon request.
DATED this 27th day of March, 2013.
CITY CLERK, SANDRA S. CHASE
Published: March 31, 2013.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance No. 3917

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

March 31, 2013

and that said newspaper was regularly distributed to its subscribers during all of said period.

Karen E. Zomer

Principal Clerk

Subscribed and sworn to before me this

1st

day of April, 2013

Diana L. Hendrix

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

